

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TOTO, INC.,

No. C-13-mc-80168-MISC-JST (DMR)

Plaintiff(s),

**ORDER TO SUBMIT ADDITIONAL
INFORMATION RE JOINT
DISCOVERY LETTER BETWEEN
PLAINTIFF AND NON-PARTY APPLE,
INC.**

v.

SONY MUSIC ENTERTAINMENT,

Defendant(s).

The court has reviewed Plaintiff Toto, Inc. (“Toto”) and non-party Apple Inc.’s joint discovery letter, [Docket No. 8], which is set for hearing on October 10, 2013 at 11:00 a.m. By no later than **5:00 p.m. PST on October 8, 2013**, Toto shall submit the specific language of the provisions of the applicable Recording Agreements between Toto and Defendant Sony Music Entertainment (“Sony”) that are at issue in this litigation and relevant to this dispute (i.e., paragraphs 9.01 and 9.03). For the provisions at issue, Toto shall set forth *how* any or all of them are ambiguous and specify what evidence it contends is relevant to interpreting the provision(s); e.g. the actual contract between Apple and Sony, and/or other evidence. Toto’s submission may be no longer than two pages, not including the language of the Recording Agreements’ provisions.

In addition, Toto and Sony shall meet and confer regarding which state’s law applies to interpreting any ambiguous provisions of the Toto-Sony Recording Agreements. If the parties agree on which state’s law applies, Toto shall indicate that information in its two-page submission. If the

1 parties do not agree, then Toto and Sony shall submit a separate joint letter (maximum two pages)
2 setting forth their positions on this question. Any joint letter is due by no later than **5:00 p.m. PST**
3 **on October 8, 2013.**

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5 IT IS SO ORDERED.

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7 Dated: October 7, 2013

